

REMARKS

Claim Amendments

Claim 9 has been amended to recite an apparatus as in claim 1, wherein the electrodes have a width in the range from 0.1 mm to 3 mm and a spacing in the range from 0.1 mm to 3 mm. The amendment is made to correct a typographical error by removing the word "parallel" in reference to the electrodes recited.

Claims 15-27 and 34-46 are withdrawn from further consideration by the Examiner under 37 C.F.R. 1.142(b), as being drawn to a non-elected invention. Applicants, however, reserve the right pursuant to 37 C.F.R. §1.141 to pursue claims to the non-elected invention in this application in the event a generic claim is allowed.

Accordingly, no new matter has been added by these amendments. The Examiner is hereby requested to enter these amendments.

Election/Restriction

The Examiner has issued a restriction requirement alleging that the application claims two separate inventions. Specifically, the Examiner identifies two inventions as being:

Group I consisting of Claims 1-33, drawn to an electrode deployment apparatus, classified in class 606, subclass 41.

Group II consisting of Claims 34-46, drawn to a method for deploying electrodes to treat tissue in a body lumen, classified in class 128, subclass 898.

Responsive to the Office Action, Applicants elect the invention of Group I (claims 1-33) drawn to an electrode deployment apparatus, classified in class 606, subclass 41.

Applicants also reserves the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected invention during the pendency of the present application.

The Examiner also restricts the application claims into fourteen Species and seven Subspecies. Specifically, the Examiner identifies:

Species I, the embodiment of the electrode deployment apparatus shown in Figs. 2-3.

Upon election of Species I, please elect *one* of the following subspecies:

Subspecies I A, the embodiment of the electrode pattern shown in Fig. 6a.

Subspecies I B, the embodiment of the electrode pattern shown in Fig. 6b.

Subspecies I C, the embodiment of the electrode pattern shown in Fig. 6c.

Subspecies I D, the embodiment of the electrode pattern shown in Fig. 7a.

Subspecies I E, the embodiment of the electrode pattern shown in Fig. 7b.

Subspecies I F, the embodiment of the electrode pattern shown in Fig. 7c.

Subspecies I G, the embodiment of the electrode pattern shown in Fig. 7d.

Species II, the embodiment of the electrode deployment apparatus shown in Figs. 4-5.

Species III, the embodiment of the electrode deployment apparatus shown in Fig. 8.

Species IV, the embodiment of the electrode deployment apparatus shown in Fig. 9.

Species V, the embodiment of the electrode deployment apparatus shown in Figs. 10-11.

Species VI, the embodiment of the electrode deployment apparatus shown in Fig. 12.

Species VII, the embodiment of the electrode deployment apparatus shown in Fig. 13.

Species VIII, the embodiment of the electrode deployment apparatus shown in Figs. 14a-14b.

Species IX, the embodiment of the electrode deployment apparatus shown in Fig. 15a.

Species X, the embodiment of the electrode deployment apparatus shown in Fig. 15b.

Species XI, the embodiment of the electrode deployment apparatus shown in Fig.

15c.

Species XII, the embodiment of the electrode deployment apparatus shown in Fig. 16.

Species XIII, the embodiment of the electrode deployment apparatus shown in Fig. 17.

Species XIV, the embodiment of the electrode deployment apparatus shown in Fig. 18.

Applicants elect species XIII with traverse. Claims 1-14 and 28-33 read on species XIII. Of these, claims 1-9 and 29-33 are generic to all claimed species.

The Office Action incorrectly states that the application contains claims directed to species I-XIV as listed in the Action. Species III & IV were characterized by the Examiner as being embodiments of the electrode deployment apparatus shown in figures 8 and 9 respectively.

Applicants respectfully traverse the Examiner's election of species requirement on grounds that no pending claims are drawn to the subject matter of species III & IV. In contrast, all the remaining species correspond to subject matter to which pending claims are drawn. Applicants therefore request that the Examiner reconsider the species determination and limit the list of claimed species to the embodiments corresponding to species I, II and V-XIV from the original list.

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Reply to Office Action of October 20, 2005

CONCLUSION

Applicants earnestly believe that the application is in condition for allowance, and respectfully request Examiner to expedite prosecution of this patent application to issuance. Should Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 28791-704.201).

Respectfully submitted,

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